

REMARKS

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e., claims 1, 2, 4, 6-10, 14, 43-47, 50 and 70-72) is respectfully requested in view of the foregoing amendments and the following remarks.

The Examiner rejected claims 1, 2, 4, 6-10, 14, 43-47, 50 and 70-72 as being obvious over Fishbane U.S. Patent No. 5,122,145. Applicants have amended the independent claims to include the requirement that the apparatus provides six degrees of freedom three rotational and three octagonal translations. Such a structure is shown, for example, in FIG. 12 of the present application. A translation in a direction transverse to the rod or stem longitudinal axis has now been claimed.

Such a structure is not taught or suggested by Fishbane which teaches and suggests only two translational movements. Since the pin guides 14 contact the ilium 42 in Fishbane there would be no need to provide a lateral translational movement since the axis of the femur is aligned with the illium to always locate the guides 14 on the ilium. Applicants believe that the claims, as amended, now distinguish over the prior art relied upon by the Examiner. Applicants believe that none of the references cited show an alignment device having a cutting guide that can be rotationally moved about three axis and translated about three orthogonal axis.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at

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(908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: November 3, 2008

Respectfully submitted,

By 

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